

RECEIVED  
CENTRAL FAX CENTER

JAN 09 2004

## FAX TRANSMITTAL COVER SHEET

TO: U. S. Patent and Trademark Office  
Technology Center 1600  
Attn: Examiner, Karen A. Canella  
Art Unit: 1642

FAX NO.: (703) 872-9307

DATE: January 8, 2004

FROM: Carol G. Mintz

Conley Rose, P.C.  
JPMorgan Chase Tower  
600 Travis Street, Suite 7100  
Houston, Texas 77002-2912

TELEPHONE: (713) 238-8000  
FAX: (713) 238-8008

CLIENT NO.: 1944-00800

TOTAL NUMBER OF PAGES (INCLUDING THIS ONE) 24

COMMENTS: Re: U.S. Patent Application No. 09/852,547  
Filing Date: May 10, 2001  
Applicant: David A. Sirbasku

The following documents are attached for filing:

- Request for Continued Examination (RCE) Transmittal (PTO/SB/030)—(1 p.)
- Fee Transmittal for FY 2004 (PTO/SB/017)—(1 p.)
- Amendment and Response to Final Office Action dated October 8, 2003—(21 p.)

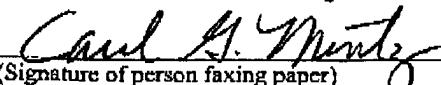
---

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being sent by facsimile transmission on the date shown below to the U.S. Patent and Trademark Office at the above-stated fax number, in accordance with 37 CFR § 1.6(d).

Carol G. Mintz, Reg. No. 38,561  
(Type or print name of person mailing paper)

Date: January 8, 2004

  
(Signature of person faxing paper)

This facsimile and the information it contains is intended to be a confidential communication only to the person or entity to whom it is addressed. If you have received this facsimile in error, please notify us by telephone.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL For FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

<b>TOTAL AMOUNT OF PAYMENT</b>	\$385.00
--------------------------------	----------

**Complete if Known**

Application Number	09/852,547
Filing Date	May 20, 2001
First Named Inventor	David A. Sirbasku
Examiner Name	Karen A. Canella
Art Unit	1642
Attorney Docket No.	1944-00800

**METHOD OF PAYMENT (Check all that apply)**

Check  Credit Card  Money Order  Other  None

Deposit Account:  
Deposit Account Number: 03-2769  
Deposit Account Name: Conley Rose, P.C.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account  
 Credit any overpayments

**FEES CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee	Fee	Fee Description	Fee Paid
Code (\$)	Code (\$)	Fee	Fee	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee			\$
1002 340	2002 170	Design filing fee			\$
1003 530	2003 265	Plant filing fee			\$
1004 770	2004 385	Reissue filing fee			\$
1005 160	2005 80	Provisional filing fee			\$

**SUBTOTAL (1) \$****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Fee from Extra Claims below				Fee Paid
Total Claims	44	-	65**	0 x 18.00 - \$
Independent Claims	19	-	35**	0 x 86.00 - \$
Multiple Dependent				290.00 - \$0.00

Large Entity	Small Entity	Fee	Fee	Fee Description
Code (\$)	Code (\$)	Fee	Fee	Fee Description
1202 18	2202 9	Claims in excess of 20		
1201 86	2201 43	Independent Claims in excess of 3		
1203 290	2203 145	Multiple dependent claim, if not paid ** Reissue independent claims over original patent		
1204 86	2204 43			
1305 18	2205 9	** Reissue claims in excess of 30 and over original patent		

**SUBTOTAL (2) \$**

\*\* or number previously paid, if greater. For Reissues, see above.

**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee	Fee	Fee Description	Fee Paid
Code (\$)	Code (\$)	Fee	Fee	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath			\$
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet			\$
1053 130	2053 130	Non-English specification			\$
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination			\$
18042 920*	1804 920*	Requesting publication of SIR prior to Examiner action			\$
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action			\$
1251 110	2251 55	Extension for reply within first month			\$
1252 420	2252 210	Extension for reply within second month			\$
1253 950	2253 475	Extension for reply within third month			\$
1254 1,480	2254 740	Extension for reply within fourth month			\$
1255 3,010	2255 1,005	Extension for reply within fifth month			\$
1401 330	2401 165	Notice of Appeal			\$
1402 330	2402 165	Filing a brief in support of an appeal			\$
1403 280	2403 140	Request for oral hearing			\$
1451 1,510	1452 1,510	Petition to institute a public use proceeding			\$
1452 110	2452 55	Petition to revive - unavoidable			\$
1453 1,330	2453 665	Petition to revive - unintentional			\$
1501 1,330	2501 665	Utility issue fee (or reissue)			\$
1502 480	2502 240	Design issue fee			\$
1503 640	2503 320	Plant issue fee			\$
1460 130	1460 130	Petitions to the Commissioner			\$
1807 50	1806 50	Processing fee under 37 CFR 1.17(g)			\$
123 50	123 50	Petitions related to provisional applications			\$
1806 180	1806 180	Submission of Information Disclosure Stmt			\$
8021 40	8021 40	Recording each patent assignment per property (times number of properties)			\$
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))			\$
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))			\$
1801 770	2801 385	Request for Continued Examination (RCE)	\$385.00		
1802 900	1802 900	Request for expedited examination of a design application			\$
Other fee (specify)					

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) \$385.00****SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Carol G. Mintz	Registration No. (Attorney/Agent)	38,561	Telephone	(713) 238-8000
Signature	<i>Carol G. Mintz</i>			Date	January 8, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-767-9199) and select option 2.  
117334.01 / 1944-00800

**Request  
For  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

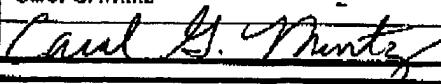
Application Number	09/852,547
Filing Date	May 10, 2001
First Named Inventor	David A. Sirbasku
Art Unit	1642
Examiner Name	Karen A. Canella
Attorney Docket Number	1944-00800

**This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. <input type="checkbox"/> Submission required under 37 C.F.R. § 1.114.	Note: If the RCE is proper, any previously filed unentered amendments which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).		
<p>a. <input type="checkbox"/> Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.</p> <p>i. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on</p> <p>ii. <input type="checkbox"/> Other</p> <p>b. <input checked="" type="checkbox"/> Enclosed</p> <p>i. <input checked="" type="checkbox"/> Amendment/Reply</p> <p>ii. <input type="checkbox"/> Affidavit(s)/Declaration(s)</p> <p>iii. <input type="checkbox"/> Information Disclosure Statement (IDS)</p> <p>iv. <input type="checkbox"/> Other</p>			
2. <input type="checkbox"/> Miscellaneous			
<p>a. <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)</p> <p>b. <input type="checkbox"/> Other</p>			
3. <input type="checkbox"/> Fees	The RCE fee under 37 C.F.R. § 1.17(c) is required by 37 C.F.R. § 1.114 when the RCE is filed.		
<p>a. <input checked="" type="checkbox"/> The director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-2769</p> <p>i. <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. § 1.17(e)</p> <p>ii. <input type="checkbox"/> Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)</p> <p>iii. <input type="checkbox"/> Other</p> <p>b. <input type="checkbox"/> Check in the amount of \$ enclosed</p> <p>c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)</p>			

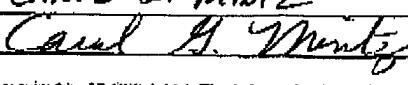
**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Carol G. Mintz	Registration No. (Attorney/Agent)	38,561
Signature		Date	January 8, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Carol G. Mintz
Signature	
	Date
	1/8/2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O.